



**CITY COUNCIL  
MEETING MINUTES**

**June 1, 2009 7:30 PM**

**I. CALL TO ORDER**

**A. Flag Salute**

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

**B. Roll Call**

Mayor Peter B. Lewis and the following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Pelosa, and Lynn Norman. Councilmember Virginia Haugen was excused.

Staff members present included: Chief of Police Jim Kelly; Public Works Director Dennis Dowdy; Finance Director Shelley Coleman; GIS Manager Ashley Riggs; City Attorney Daniel B. Heid; Assistant City Attorney Steven L. Gross; Planning, Building and Community Director Cindy Baker; Principal Planner Elizabeth Chamberlain; Senior Planner Chris Andersen; Assistant Planning Director Kevin Snyder; Human Resources and Risk/Property Management Director Brenda Heineman; Parks, Arts and Recreation Director Daryl Faber; Human Services Manager Michael Hursh; and City Clerk Danielle Daskam.

**C. Announcements and Appointments**

**1. Announcements**

**a) Proclamation – Discover Auburn Week**

Mayor Lewis read and presented a proclamation declaring the week of June 6 – 14, 2009 as Discover Auburn Week to Deputy Mayor Sue Singer, Tourism Marketing Coordinator Debbie Luce and Chamber President and Chief Operating Officer Nancy Wyatt.

Tourism Marketing Coordinator Debbie Luce spoke briefly regarding Discover Auburn Week and the weeklong celebration promoting Auburn Tourism. She stated that over 100,000 game pieces of the Auburn Passport Game were distributed via the Auburn Reporter. Participants will have an opportunity to discover all the great attractions and businesses in Auburn as well have a chance to win one of three grand prizes.

**2. Appointments**

There was no appointment for Council consideration.

**D. Agenda Modifications**

Agenda modifications included the transmittal of Exhibit A to Resolution No. 4480 under Item VIII.B.1 of the agenda and the addition of Resolution No. 4495 to the agenda.

**II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE**

**A. Public Hearings**

**1. Amendments to Auburn City Code Title 17, Subdivisions**

Proposed amendments to Title 17 (Subdivisions) of the Auburn City Code that would renumber and rename chapters; relocate certain standards and regulations; update standards and regulations; add and delete sections to different Chapters of the Title; and add new Chapters to the Title comprised of Chapter 17.00 (User Guide), Chapter 17.08 (Boundary Line Eliminations), Chapter 17.16 (Neighborhood Circulation Plan), Chapter 17.24 (Binding Site Plans) and Chapter 17.26 (Cluster Subdivisions).

Senior Planner Chris Andersen presented an oral report on the proposed amendments to Titles 17 and 18 of the Auburn City Code. Mr. Andersen stated that the Council's agenda packet includes an executive summary, the proposed ordinances, and proposed amendments to the comprehensive zoning map. Mr. Andersen acknowledged the receipt of two comment letters received this evening from Faith Richie of Valley Cities Counseling and Consultation and Jeff Mann from Apex Engineering.

The proposed amendments constitute Phase 1 of the City of Auburn Code Update Project. Chapters 17.24 and 18.68 of the Auburn City Code provide for procedural requirements for amending the Titles, including requirements for initiation of amendments, public hearings and notices, inviting public comment, and Planning Commission recommendations.

Mr. Andersen addressed the concerns expressed in one of the comment letters by Faith Richie of Valley Cities Counseling and Consultation. Ms. Richie expressed concern about the ability to develop professional office uses in the proposed R20 zone. Mr. Andersen stated that the proposed amendments provide that professional offices would be a conditional use, if part of a mixed use development. Mixed use development as proposed by the amendments could be geographically distributed across a site or vertically integrated in a single building; it is not limited to a single building. Elements of a mixed use proposal may or may not include residential uses. The proposed regulations would not preclude the development of commercial office use on an adjacent parcel in the situation described in Ms. Richie's letter.

The proposed amendments are subject to SEPA environmental review. The City issued a final determination of non-significance on May 15, 2009 under file number SEP09-0012. No appeals were filed and no state agency comments were received.

Mayor Lewis opened the public hearing at 7:44 p.m. No one in the audience requested to speak regarding the proposed amendments to Title 17, and the hearing was closed.

*(See Item No. VIII.A.1 for further action on this item.)*

2. **Amendments to Auburn City Code Title 18, Zoning Code**  
City Council conduct a public hearing on proposed amendments to Title 18 (Zoning) of the Auburn City Code that would renumber and rename chapters; relocate certain standards and regulations; update standards and regulations; add and delete sections to different Chapters of the Title; add new Chapters to the Title comprised of

Chapter 18.00 (User Guide), Chapter 18.21 (Overlays), Chapter 18.25 (Infill Development Standards), Chapter 18.31 (Supplementary Regulations for Specific Uses) and Chapter 18.49 (Flexible Development Standards); and amend the City of Auburn Comprehensive Zoning Map.

See Item II.A.1 above for Senior Planner Chris Andersen's oral report on proposed amendments to Title 18.

In response to questions from Councilmember Norman, Senior Planner Andersen stated that as he understands the proposed Valley Cities Counseling and Consultation project at this point, the proposed amendments would not preclude Valley Cities from developing professional office uses on their property. However, the applicant would need to demonstrate that the development is integrated as part of a unified development. The proposed regulations envision a mixed use project as a unified development project. It would require a conditional use permit for professional offices even as part of a mixed use development as it currently does under the existing regulations.

Mayor Lewis opened the public hearing at 7:47 p.m. No one in the audience requested to speak regarding the proposed amendments to Title 18, and the hearing was closed.

*(See Item No. VIII.A.3 for further action on this item.)*

### **3. 2009 Community Development Block Grant – Recovery Funds Amendments**

City Council to conduct a public hearing on the proposed amendment to the City's 2008 Annual Action Plan for Community Development Block Grant (CDBG) projects in accordance with requirements of the U.S. Department of Housing and Urban Development (HUD) in order for the City to receive federal funds under the Community Development Block Grant-Recovery (CDBG-R) Program

Human Services Manager Michael Hursh presented an oral report on the proposed amendment to the City's 2008 Annual Action Plan for Community Development Block Grant (CDBG) projects. The City anticipates receiving approximately \$108,877 of CDBG funds. In order to access

the funds received through the American Reinvestment and Recovery Act (ARRA), the City must amend its 2008 Annual Action Plan. Mr. Hursh stated that the Department of Housing and Urban Development (HUD) requires a comment period on the proposed amendment, and the City chose to include a public hearing. The process of a substantial amendment process is required by HUD in order to receive federal funds under the CDBG-Recovery program.

In response to questions from Councilmembers, Mr. Hursh advised that there may be flexibility or changes to the type of projects that can be accomplished through the use of these new funds. Mr. Hursh also advised that eighty-five percent of the funds must be used for capital projects.

Mayor Lewis opened the public hearing at 7:52 p.m.

Largo Wales, 11855 SE 288<sup>th</sup> Street, Auburn  
Ms. Whales, representing ACAP, questioned how the City will be allocating the funds. She spoke about ACAP, the Auburn Food Bank, Auburn Youth Services, and other human services anchor agencies' needs for additional assistance to meet the growing demand for services.

There being no further comment, Mayor Lewis closed the public hearing at 7:55 p.m.

*(See Item No. VIII.B.9 for further action on this item.)*

## **B. Audience Participation**

*This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.*

Nicole Petrino-Salter, 31021 132<sup>nd</sup> Way SE, Auburn  
Ms. Petrino-Salter spoke against Resolution No. 4357 which implemented a moratorium on conditional use permits in certain zones, including the C1 zone, and Resolution No. 4472 which extended the moratorium. She urged the Council to lift the moratorium so that she can proceed with the sale and development of her property.

Dwight Mahoney, 1210 E Street SE, Auburn

Mr. Mahoney spoke regarding a noise problem with a church which abuts the rear of his property. The church has two congregations, one of which uses live music with electric guitars and drums. He has tried to resolve the matter with the church to no avail. Mr. Mahoney presented a petition signed by several neighbors requesting that the City enforce the noise ordinance and resolve the noise problem with White River Presbyterian Church.

Cliff Sipe, 4248 A Street SE #107, Auburn

Mr. Sipe complained of music and noise coming from cars at the car wash business located near his neighborhood, the White River Estates Mobile Home Park. Mr. Sipe stated that the music can be heard at all times including the middle of the night. Mayor Lewis urged Mr. Sipe to call him personally when he next incident occurs.

Levi Schoenfeld, 31110 129<sup>th</sup> Avenue SE, Auburn

Mr. Schoenfeld, speaking on behalf of the Houk family, spoke against Resolution No. 4357 which implemented a moratorium on conditional use permits in certain zones, including the C1 zone, and Resolution No. 4472 which extended the moratorium. He spoke of lost opportunities to sell the property due to the ongoing moratorium. He urged the Council to lift the moratorium.

Rudy Terry, 31011 132<sup>nd</sup> Avenue SE, Auburn

Mr. Terry reiterated his neighbors' comments and urged the City Council to lift the moratorium on conditional use permits. Mr. Terry also spoke regarding the Brandon Meadows subdivision in development since approximately 2004 or 2005. The development is located north of Mr. Terry's address. Mr. Terry reported that the street is in poor condition and the developer has failed to improve it. Mr. Terry stated he was required to remove part of his own fence pending the installation of a walkway and bicycle path and other improvements by the developer. To date no improvements have been made, and Mr. Terry is unable to restore his fence. Mr. Terry requested the City's assistance.

Karen Campbell, 31049 129<sup>th</sup> Place SE, Auburn

Ms. Campbell concurred with her neighbors' comments regarding the moratorium on conditional use permits.

Susie Houk, 31110 129<sup>th</sup> Avenue SE, Auburn

Ms. Houk concurred with her neighbors' comments regarding the moratorium on conditional use permits and urged the City Council to lift the moratorium.

Mayor Lewis responded briefly to the comments regarding the moratorium on conditional use permits. Mayor Lewis explained the reason behind the City Council's move from its quasi-judicial role and reviewed the history of the moratorium. Mayor Lewis reminded that the moratorium affects districts city-wide. The moratorium was implemented in order to allow time for the Council to evaluate conditional use permits in the affected districts.

### **C. Correspondence**

1. A letter dated June 1, 2009 from Faith Richie of Valley Cities Counseling and Consultation regarding amendments to Title 18.
2. An email dated June 1, 2009 from Jeffrey Mann of Apex Engineering regarding Auburn City Code revisions.

## **III. COUNCIL COMMITTEE REPORTS**

A3.7.6

### **A. Municipal Services**

Chair Cerino reported the Municipal Services Committee met May 26, 2009. The Committee approved consent items including repairs to the golf course pump house computer system. The Committee also approved Resolution Nos. 4485, 4486, 4487, 4488, 4489 and 4490 relating to acceptance of grants. The Committee discussed Ordinance Nos. 6239 and 6245 relating to amendments to Auburn City Code Titles 17 and 18, Ordinance No. 6244 relating to dangerous dogs, Novus Agenda Manager, the transition of the DARE Program to the new GREAT Program, the graffiti program, and activities at the Auburn Municipal Airport. The next regular meeting of the Municipal Services Committee is scheduled for June 8, 2009 at 4:00 p.m.

### **B. Planning & Community Development**

Chair Norman reported the Planning and Community Development Committee met May 26, 2009. The Committee approved Ordinance No. 6239 amending Title 17 (Subdivisions), Ordinance No. 6245, amending Title 18 (Zoning Code), and Resolution No. 4492 related to Community Development Block Grant funding. The Committee discussed Resolution No. 4483 encouraging economic

renewal efforts, multi-family and mixed use design standards, and wireless communication tower structures. The next regular meeting of the Planning and Community Development Committee is scheduled for June 8, 2009 at 5:00 p.m.

**C. Public Works**

Chair Wagner reported the Public Works Committee met this afternoon at 3:00. The Committee approved right-of-way use permits for Mohawk Northern Plastics and the Auburn International Farmers Market and discussed Ordinance Nos. 6239 and 6245 amending Auburn City Code Titles 17 and 18, an update on the M Street NE/Harvey Road and 8<sup>th</sup> Street NE Improvement Project, the scope of the 2009 citywide sidewalk repair program, changes to the parking code, and design standards. The Committee also received a legislative update report from Director Dowdy. The next regular meeting of the Public Works Committee is scheduled for June 15, 2009 at 3:00 p.m.

**D. Finance**

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved claims and payroll vouchers, Ordinance No. 6240 related to Local Improvement District No. 350, Resolution No. 4480 regarding acceptance of grant funds under the American Recovery and Reinvestment Act, Resolution No. 4483 encouraging economic renewal efforts, Resolution No. 4493 authorizing a contract for Novus Agenda Management software, and Resolution No. 4495 accepting a grant from the state for airport taxiway improvements. The Committee discussed the transition of the DARE program to the new GREAT program, Resolution No. 4490 accepting a grant from Department of Ecology in support of the Mary Olson Farm, Resolution No. 4492 amending the Annual Action Plan, and the City's quarterly financial reports. The next regular meeting of the Finance Committee is scheduled for June 15, 2009 at 6:30 p.m.

**E. Community Center**

Chair Wagner reported the Community Center Committee has not met since the last Council meeting. The next meeting of the Community Center Committee is scheduled for June 8, 2009 at 11:00 a.m.



**F. Downtown Redevelopment**

Chair Norman reported that the Downtown Redevelopment Committee met May 26, 2009. The Committee discussed local revitalization funding, prospects for Economic Development Administration grants, and the promenade. The next regular meeting of the Downtown Redevelopment Committee is scheduled for June 9, 2009 at 4:00 p.m.

**G. Committee on Committees**

The Committee on Committees has not met since the last Council meeting.

**IV. REPORTS**

*At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.*

**A. From the Council**

Deputy Mayor Singer reported Port Commissioner Bill Bryant toured the Auburn area and valley corridor with Mayor Lewis and Deputy Mayor Singer. Deputy Mayor Singer reported that she participated in the selection of the architect of the library expansion, attended the Regional Emergency Management meeting in Renton, and attended Puget Sound Regional Council meetings.

Councilmember Wagner reported that he has been pursuing potential cooperation with Washington State University and their technical experts to support the Auburn Environmental Park.

Councilmember Backus reported that she, her daughter and her dog attended the City of Auburn Petpalooza and the 3k Dog Trot event.

Councilmember Norman reported on a meeting of the barrier free playground task force. Councilmember Norman also thanked staff for their work on the Code Update Project, including attendance at several special meetings of the Planning and Community Development Committee.

Councilmember Cerino reported on his attendance at the Pierce County Review Council meeting, which included discussion of cities quotas for affordable housing to meet Growth Management goals.

Councilmember Pelosa reported on his attendance at the King Conservation District public hearing on proposed projects. Councilmember Pelosa reported that construction on a portion of the Brightwater Treatment Plant has been suspended to allow the repair of a tunnel boring machine. Councilmember Pelosa also attended the King County Pollution Advisory Committee. Councilmember Pelosa reminded that the Auburn International Farmers Market will open June 14, 2009.

**B. From the Mayor**

Mayor Lewis reported on a recent meeting of the South County Area Transportation Board (SCATBD) where discussion included cuts in Metro services/routes. Mayor Lewis reported the Washington Elementary ASB officers visited City Hall last week. Mayor Lewis also reported on the following meetings and activities: the Mayor's monthly meeting with area pastors, the Suburban Cities Association meeting, a visit with the Chinook Elementary School honor society members, a meeting of the Valley Cities comprised of Fife, Puyallup, Sumner, Algona, Pacific, Auburn, Kent, Renton and Tukwila, a meeting of the South Correction Entity (SCORE), the King County Regional Policy Committee, Heritage Society recognition social at Green River Community College honoring Dr. Linbloom and Cyril Van Selus, a Bike Rodeo sponsored by Cub Scout Pack #460, the Special Olympics Torch Run, and Auburn's Petpalooza event.

**V. CONSENT AGENDA**

*All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.*

**A. Minutes**

- 1. Minutes of the May 18, 2009 regular City Council meeting.**

**B. Vouchers**

F4.9.2, F4.9.5

**1. Claims**

Claims check numbers 385596 through 385897 in the amount of \$1,468,125.01 and one wire transfer in the amount of \$166,165.48 and dated June 1, 2009.

**2. Payroll**

Payroll check numbers 526535 to 526647 in the amount of \$385,562.86 and electronic deposit transmissions in the amount of \$1,232,976.57 for a grand total of \$1,618,539.43 for the pay period covering May 14, 2009 to May 27, 2009

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the Consent Agenda.

MOTION CARRIED. 6-0.

**VI. UNFINISHED BUSINESS**

There was no unfinished business.

**VII. NEW BUSINESS**

There was no new business.

**VIII. ORDINANCES AND RESOLUTIONS**

**A. Ordinances**

**1. Ordinance No. 6239**

O3.4.2.1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Title 17, Subdivisions, of the Auburn City Code

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6239.

Councilmembers expressed appreciation to staff, Planning Commission members, and members of the citizens group involved in bringing the Code Update Project forward.

MOTION CARRIED. 6-0.

**2. Ordinance No. 6240**

F2.4.9 LID 350

An Ordinance relating to Local Improvement District No. 350; fixing the amount, form, date, interest rate and maturity of the Local Improvement District No. 350 installment note; providing for the purchase of such note by the City from

funds on deposit in the Capital Projects Fund; and fixing the interest rate on Local Improvement District No. 350 assessment installments

Councilmember Backus moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6240.

MOTION CARRIED. 6-0.

**3. Ordinance No. 6245**

O3.4.2.1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapters 18.02 and 18.04, of the Auburn City Code; adopting new Chapters 18.01, 18.07, 18.09, 18.21, 18.25, and 18.31 of the Auburn City Code; and repealing Chapters 18.06, 18.08, 18.10, 18.12, 18.14, 18.16, 18.18, 18.20, 18.45, 18.45A, 18.48 and 18.58 of the Auburn City Code; all relating to zoning

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6245.

MOTION CARRIED. 6-0.

**4. Ordinance No. 6248**

O3.5 PLT08-0015

An Ordinance of the City Council of the City of Auburn, Washington, approving the final plat of Bristol Knoll

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6248.

MOTION CARRIED. 6-0.

**B. Resolutions**

**1. Resolution No. 4480**

F5.4.11

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Auburn City Council to accept federal grant funds from the Department of Energy, under the American Recovery and Reinvestment Act

Councilmember Backus moved and Councilmember Pelosa seconded to adopt Resolution No. 4480.

MOTION CARRIED. 6-0.

**2. Resolution No. 4483**

F5.4.11

A Resolution of the City Council of the City of Auburn, Washington, encouraging economic renewal efforts

Councilmember Backus moved and Councilmember Pelosa seconded to adopt Resolution No. 4483.

In response to a question from Deputy Mayor Singer, Mayor Lewis explained that the resolution originated from the National League of Cities.

MOTION CARRIED. 5-1. Deputy Mayor Singer voted no. Deputy Mayor Singer explained her vote by stating that since the state of Washington is dependent on foreign trade, she believes the resolution is not in the best interest of the state.

**3. Resolution No. 4485**

F5.4

A Resolution of the City Council of the City of Auburn, Washington, formally accepting a grant from the State of Washington, Military Department as reimbursement from the Federal Emergency Management Agency and the State of Washington for expenses incurred by the City of Auburn during the December 2008 and January 2009 winter storm

Councilmember Cerino moved and Councilmember Pelosa seconded to adopt Resolution No. 4485.

MOTION CARRIED. 6-0.

**4. Resolution No. 4486**

F5.4

A Resolution of the City Council of the City of Auburn, Washington, formally accepting a grant from the State of Washington, Military Department as reimbursement from the Federal Emergency Management Agency and the State of

Washington for expenses incurred by the City of Auburn during the January 2009 storm event

Councilmember Cerino moved and Councilmember Pelosa seconded to adopt Resolution No. 4486.

MOTION CARRIED. 6-0.

**5. Resolution No. 4487**

F5.2

A Resolution of the City Council of the City of Auburn, Washington, formally accepting a grant from the Washington State Military Department in the amount of One Hundred Forty Three Thousand Five Hundred Fifty-three Dollars (\$143,553.00) from the United States Department of Homeland Security Emergency Management Performance Grant Program, and authorizing the Mayor and City Clerk to execute the necessary agreements to accept said funds

Councilmember Cerino moved and Councilmember Pelosa seconded to adopt Resolution No. 4487.

MOTION CARRIED. 6-0.

**6. Resolution No. 4488**

F5.2

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance of a grant from the King County Office of Emergency Management in the amount of Twenty Three Thousand Five Hundred Ninety-one Dollars and Fifty-eight Cents (\$23,591.58)

Councilmember Cerino moved and Councilmember Pelosa seconded to adopt Resolution No. 4488.

MOTION CARRIED. 6-0.

**7. Resolution No. 4489**

F5.2.18

A Resolution of the City Council of the City of Auburn, Washington, authorizing the acceptance of a grant from the Washington Service Corps to provide a full-time member to the City of Auburn, and authorizing the Mayor and City Clerk

to execute the necessary agreements to accept said member

Councilmember Cerino moved and Councilmember Peloza seconded to adopt Resolution No. 4489.

MOTION CARRIED. 6-0.

**8. Resolution No. 4490**

O4.4.7

A Resolution of the City Council of the City of Auburn, Washington, authorizing acceptance of a State of Washington, Department of Ecology Coastal Protection Grant in the amount of \$23,610 in support of the Mary Olson Farm

Councilmember Cerino moved and Councilmember Peloza seconded to adopt Resolution No. 4490.

MOTION CARRIED. 6-0.

**9. Resolution No. 4492**

O3.11

A Resolution of the City Council of the City of Auburn, Washington, relating to the amendment of the 2008 Annual Action Plan Update of the Consolidated Plan

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4492.

MOTION CARRIED. 6-0.

**10. Resolution No. 4493**

A3.16.12

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute an agreement between the City of Auburn and General Code, LLC for purchase, installation, and training on, Novus Agenda Management Software

Councilmember Backus moved and Councilmember Peloza seconded to adopt Resolution No. 4493.

MOTION CARRIED. 6-0.

**11. Resolution No. 4495**

F5.2.15, O4.4.9.4

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept grant funds from the Washington State Department of Transportation Aviation Division in the amount of Twenty Six Thousand Three Hundred Thirty-three Dollars and Fifty-two Cents (\$26,333.52) which represents 2-1/2% match of funds needed for Phase 1 of the taxiway alterations and improvements project

Councilmember Backus moved and Councilmember Peloza seconded to adopt Resolution No. 4495.

MOTION CARRIED. 6-0.

**IX. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 9:10 p.m.

APPROVED THE \_\_\_\_\_ DAY OF JUNE, 2009.

\_\_\_\_\_  
Peter B. Lewis, Mayor

\_\_\_\_\_  
Danielle Daskam, City Clerk

*City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.*

Internet: <http://www.auburnwa.gov>